

CHAPTER XXXI  
ZONING ORDINANCE  
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

**ARTICLE 7.00 MODIFICATIONS**

**7.01 HEIGHT**

The Zoning Administrator may permit the height limit to be exceeded, but such modification shall be in accordance with the following:

A. Architectural Projections

Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues and chimneys may be exempted from the height limitations of this ordinance.

B. Special Structures

Special structures such as elevator penthouses, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, and substations may be exempted from the height limitations of this ordinance.

C. Essential Services

Essential services, utilities, water towers, electric power and communication transmission lines may be exempted from the height limitations of this ordinance.

D. Public or Semi-Public Facilities

Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

**7.02 YARDS**

The Zoning Administrator may permit that certain yard requirements be modified, but such modification shall be in accord with the following:

A. Decks, Patios, Stairs, Landings, and Fire Escapes

Uncovered decks, patios, stairs, landings, and fire escapes may project into any required yard; but such projections shall not extend more than six (6) feet into any such yard, and shall not be closer than three (3) feet to any lot line.

B. Architectural Projections

Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not extend more than three (3) feet into any such yard, and shall not be closer than three (3) feet to any lot line.

C. Residential Fences

Residential fences with a permit are allowed on the property lines or in the yards of residential districts, but shall not in any case exceed a height of six (6) feet when placed in side and rear yards, and shall not be closer than two (2) feet to any public right-of-way. Structural posts and any supporting members shall be located on the property side of the permittee.

D. Decorative Fences

Decorative fences including gates, which are more than seventy-five (75) percent open and less than three (3) feet in height, such as split rail fences used for ornamental purposes, are allowed without a permit. Chain link and picket fences are not considered to be decorative fences.

E. Security Fences

Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

F. Accessory Uses

Accessory uses and detached accessory buildings are permitted in the rear or side yards; they shall not be more than twenty (20) feet high and shall not be nearer than three (3) feet to any lot line, except where a private garage has an entrance facing an alley, such entrance shall be located not less than fifteen (15) feet from the nearest alley line.

G. Landscaping

Accessory structures and vegetation used for landscaping and decorating may be placed in the required street yard and side yards. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs, flowers, and ornamental fencing.

H. Essential Services

Essential services, utilities, electric power, and communication transmission lines are

exempt from the yard and distance requirements of this Ordinance.

#### 7.03 ADDITIONS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

#### 7.04 AVERAGE STREET YARDS

The required street yards may be decreased or increased in any residential or business districts to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district.

#### 7.05 CORNER LOTS

The side yard requirement for corner lots shall be the same as the side yard requirement for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

#### 7.06 EXISTING SUBSTANDARD LOTS

A lot which does not contain sufficient area to conform to the dimensional requirements of this ordinance, but which is at least fifty (50) feet wide and 6,000 square feet in area may be used as a single-family dwelling site, provided that the use is permitted in the zoning district, provided the lot is on record in the County Register of Deed's Office prior to the effective date of this ordinance, and provided that the lot is in separate ownership from abutting lands.

A Zoning Permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is granted by the Zoning Board of Appeals.

Substandard lots shall be required to meet the setbacks and other yard requirements of this ordinance.

#### 7.07 NOISE

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards set forth in Section 9.06 of this ordinance.

#### 7.08 SPECIAL EXCEPTIONS

The Village Board is authorized to grant a special exception to waive or modify any requirements of this Ordinance if, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Ordinance due to exceptional circumstances, to the extent deemed just and proper on a case-by-case basis. The procedures and standards to be applied are as follows.

A. Procedures.

1. Petition. A party seeking a special exception shall file a petition with the Village Clerk.
2. Petition Data Required. The petition shall include all of the following:
  - a) A plot map drawn to scale of not less than 100 feet to the inch showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land and the principal use of all properties within 300 feet of such land.
  - b) The names and addresses of the owners of all properties within 300 feet of any part of the land included in the proposed change.
  - c) A detailed description of the intended development or use.
  - d) Any further information as required by the Village Staff or Village Board to facilitate the making of an evaluation of such request, such as a site plan depicting proposed buildings, parking, traffic impact, landscaping treatment, drainage, sanitary sewer, erosion control and other factors as would be pertinent including the impact on public facilities.
3. Hearing. The Village Board shall hold a public hearing upon receipt of such petition. Notice of such public hearing shall be provided as described in Article 14 of this Ordinance.
4. Fee. The petition shall be accompanied by a fee payment as set from time to time by the Village Board to defray the cost of publication, notification, and holding a public hearing, administrative expenses and expenses of Board members. The Petitioner shall also pay reimbursement to the Village for all costs incurred for legal, planning, engineering, and administrative work necessary to administer the application and oversee the project.

B. Basis of Approval.

An application for a special exception may be approved, denied, or approved with conditions. In order to approve the special exception, the Village Board must find that the applicant has demonstrated all of the following:

1. That the Petition seeks approval of a structure that was constructed pursuant to a building permit issued by the Village of Slinger Building Inspector, in accordance with the plans filed with the permit application and all conditions of the permit approval, and only after completing construction was the structure found to be in violation of the yard, building height & area, or green space requirements of this Ordinance.
2. That there are exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use, such that a literal enforcement of the requirements of this Ordinance would result in a severe burden; and, also, that such circumstances do not apply generally to other properties or uses in the same district, or are of such a recurrent nature as to suggest that the Zoning Ordinance should be changed.
3. That the special exception is necessary for the preservation and enjoyment of substantial property rights possessed by the applicant, and is not inconsistent with substantial property rights possessed by other properties in the same vicinity.
4. That the special exception will not create substantial detriment to adjacent property or the general desirability of the Village and its environs, and will not materially impair or be contrary to the purpose and spirit of this Ordinance, or the adopted Village of Slinger Comprehensive Plan, or the public interest.

C. Determination.

The action of the Village Board shall be stated in writing, and shall include findings of facts setting forth the basis for the decision. If a special exception is granted, or is conditionally granted, it shall be subject to the written approval of the applicant, and upon such approval it shall be recorded at the office of the Washington County Register of Deeds. The decision of the Village Board shall be final, and shall not be subject to appeal to the Zoning Board of Appeals.